

**In the Claims**

1. (currently amended) A sandal that is open over a user's toe, comprising:  
an outsole;  
a socklining on top of and in direct contact with said outsole for directly contact-  
ing a user's foot;  
a cushion having a thickness between approximately 1/8 and 1 1/2 inches;  
said cushion is placed between said outsole and said socklining;  
~~at least one~~ a material partially covering a user's foot extending across said  
socklining for holding the sandal onto a user's foot without extending over the toes; and  
a securing mechanism extending from said at least one material through said  
socklining to said outsole for securing said socklining directly to said outsole.
2. (original) The sandal according to claim 1, wherein said outsole includes a side  
surface and a notch in said side surface for receiving a stitch and hindering premature  
wear of the stitch.
3. (original) The sandal according to claim 2, where said securing mechanism ex-  
tends from said socklining to said notch without extending through a bottom surface of  
said outsole.
4. (original) The sandal according to claim 1, wherein said thickness is between ap-  
proximately 1/8 and 1 inches.
5. (original) The sandal according to claim 1, wherein said thickness is between ap-  
proximately 1/4 and 9/16 inches.

6. (original) The sandal according to claim 2, said securing mechanism extends from said at least one material, through said socklining, and to said notch, without extending through said bottom surface, for securing said at least one material, said socklining, and said outsole together.

7. (original) The sandal according to claim 2, wherein said notch is a relief extending inwardly toward said outsole and around at least a portion of a periphery of said outsole.

8. (original) The sandal according to claim 2, wherein said notch includes an outermost periphery of said outsole, an inner periphery smaller than said outermost periphery, and a horizontal surface of said notch extending generally perpendicular to and connecting said inner and outermost peripheries together.

9. (currently amended) A shoe that is open over a user's toes, comprising:  
an outsole;  
a socklining on top of and in direct contact with said outsole for directly contacting a user's foot;  
a cushion having a thickness between approximately 1/8 and 1 inches;  
said cushion is placed between said outsole and said socklining; and  
a material partially covering a user's foot extending across said socklining for holding the sandal onto a user's foot without extending over the toes;  
a securing mechanism extending from said socklining to said outsole for securing said socklining directly to said outsole [[.]]; and  
said securing mechanism extending around an entire periphery of said outsole and said socklining.

10. (original) The shoe according to claim 9, further comprising an upper in direct contact with said socklining.

11. (previously presented) The shoe according to claim 9, wherein said outsole includes a notch, said notch includes an outermost periphery of said outsole, an inner periphery smaller than said outermost periphery, and a horizontal surface of said notch extending generally perpendicular to and connecting said inner and outermost peripheries together.

12. (original) The shoe according to claim 11, said securing mechanism extends from said at least one material, through said socklining, and to said notch, without extending through said bottom surface, for securing said at least one material, said socklining, and said outsole together.

13. (cancelled)

14. (currently amended) A method for providing a shoe sandal that is open over a user's toes, comprising the steps of:

providing an outsole having a side surface;  
notching the side surface to provide clearance for a securing mechanism and to hinder the securing mechanism from premature wear;  
contacting a socklining to a top surface of the outsole;  
placing a cushion having a thickness between approximately 1/8 and 1 1/2 inches between the outsole and the socklining; and  
extending a material across the socklining for holding the sandal onto a user's foot without extending over the toes; and

extending the securing mechanism from the socklining to the notch, without extending through a bottom surface, for securing the socklining directly to the outsole.

15. (original) The method according to claim 14, further comprising the step of providing an upper in direct contact with the socklining, where the securing mechanism extends from the upper, through the socklining, and to the notch, without extending through the bottom surface, for securing the upper, socklining, and outsole together.

16. (original) The method according to claim 14, further comprising the step of notching the bottom surface upwardly into the outsole and around at least one portion of a periphery of the outsole.

17. (original) The method according to claim 14, further comprising the step of providing an outermost periphery and an inner periphery smaller than the outermost periphery, extending a horizontal surface of the notch generally perpendicular to and connecting the inner and outermost peripheries together, and extending a vertical wall in a generally downward direction proximate to the inner periphery and connecting the horizontal surface of the notch to the bottom surface of the outsole, wherein the horizontal surface of the notch is between the bottom surface of the outsole and a top surface of the outsole.